

JUL 21 2006

July 21, 2006

Time: 12:00

TO: Commissioner for Patents  
Attn: Mail Stop Amendment  
Patent Examining Corps  
Facsimile Center  
P.O. Box 1450  
Alexandria, VA 22313-1450

FROM: Iain A. McIntyre

OUR REF: 58294US006

FAX NUMBER 571.273.8300

\* Please deliver to Tai V. Duong in Art Unit 2871. \*

Document(s) Transmitted: Species Election.

Total pages of this transmission, including cover letter: 4 pgs.

If you do NOT receive all of the pages described above, please telephone us at 612.436.9600, or fax us at 612.436.9605.

In re. Patent Application of: KEITH M. KOTCHICK

Examiner: Duong, Tai V.

Serial No.: 10/828,693

Group Art Unit: 2871

Filed: April 21, 2004

Docket No.: 58294US006

Title: Structured Transflectors for Enhanced Ambient and Backlight Operation of Transmissive Liquid Crystal Displays

Please charge any additional fees or credit overpayment to Deposit Account No. 50-2880.

By: [Signature]  
Name: Iain A. McIntyre  
Reg. No.: 40,337

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

July 21, 2006  
Date of Transmission

[Signature]  
Iain A. McIntyre

JUL 21 2006

S/N 10/828,693

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	K. Kotchick	Examiner:	T. Duong
Serial No.:	10/828,693	Group Art Unit:	2871
Filed:	April 21, 2004	Docket No.:	58294US006
Title:	STRUCTURED TRANSFLECTORS FOR ENHANCED AMBIENT AND BACKLIGHT OPERATION OF TRANSMISSIVE LIQUID CRYSTAL DISPLAYS		

I hereby certify that this paper is being transmitted via facsimile to the U.S. Patent and Trademark Office on July 21, 2006.

  
Ian A. McIntyre

**SPECIES ELECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the action dated June 23, 2006, setting a shortened one month statutory period for response.

Applicant hereby elects Species D, shown in FIG. 5A. The Examiner has indicated that claims 1-6, 16-19, 43-51, 55 and 64 are generic. Additionally, claims 7, 8, 10-12, 21-30, 32-42 read on Species D. The election of this species is made with traverse.

The selection of the various species is improper. Claims to be restricted to different species must be mutually exclusive (MPEP 806.04(f)). The species as presented in the action are not mutually exclusive of each other. For example, FIG. 5A shows a structured translector surface having facets arranged at various base angles, while FIG. 5B shows a

Page 1  
58294US006  
Species Election

structured translector with facets at different angles and of different pitch. It is stated in the application that the other layers surrounding these translector surfaces are omitted from the figures for clarity. Thus, it is clear that other layers, such as planarization layers, substrates, and the like, may be used in with these particular translector surfaces. The difference between the two embodiments shown in FIGs. 2A and 2B, on the other hand, is simply in the arrangement of the layers that surround the structured translector layer, and not in the translector layers themselves. Accordingly, the translector layers of FIGs. 5A and 5B may be used with surrounding layers arranged in different ways, for example using arrangements as shown in FIGs. 2A and 2B. Thus, the embodiments of FIGs. 2A and 2B are not mutually exclusive of the embodiments of FIGs. 5A and 5B.

Also, FIGs. 2A-2C, 5A, 5B, 7A and 7B show only the side profile of a structured translector surface, and fail to show any detail of the third dimension (in these cases the shape of the transfecting surface as one propagates into the planes of these figures). FIGs. 8A and 8B schematically illustrate embodiments of the shape of a translector in this third dimension. Nowhere is shape in the third dimension limited to the particular side profile shown in FIGs. 8A and 8B. Thus, the shapes in the third dimension shown in FIGs. 8A and 8B are applicable to all the profiles shown in FIGs. 2A-2C, 5A, 5B, 7A and 7B. The embodiments shown in FIGs. 8A and 8B cannot, therefore, be considered to be exclusive of the embodiments shown in FIGs. 2A-2C, 5A, 5B, 7A and 7B.

If a selection of species is to be made, then it is only fitting that the Examiner include all possible species. The Examiner failed, however, to include the embodiments of FIGs. 13A, 13B and 14A-14C in the selection of Species. It is unclear why these were omitted. Furthermore, the embodiments shown in FIGs. 13A, 13B and 14A-14C are not necessarily exclusive of the other species named.

Accordingly, there are several problems with the current requirement to select species. The Examiner is requested to withdraw the requirement to elect species and to proceed with examination of the claims.

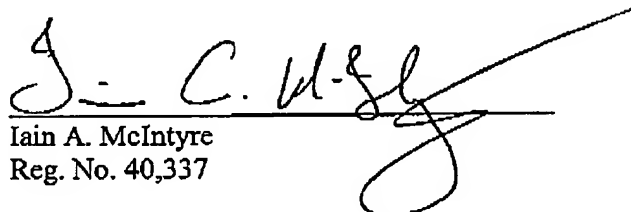
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the below-signed attorney at 612 436 9610.

Respectfully submitted,

On behalf of 3M Innovative Properties Company  
Customer Number 32692

Date: July 21, 2006

By:

  
Iain A. McIntyre  
Reg. No. 40,337